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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ANGOLA

1. Mr. CHICOTI (Angola) said that the end of the cold war had been followed not by peace but by the spread of regional conflicts that were creating deep imbalances between societies. Wealth continued to be concentrated in the North, to the detriment of the countries of the South. The latter, due to the unfavourable international trading system were being frustrated in their efforts to combat poverty and unemployment, and continued to be perceived merely as suppliers of raw materials and cheap labour.

2. If globalization was to benefit humanity, it must be accompanied by a fair world order, one in which the less developed countries could participate in global decisions and in which a profound transformation of the international monetary system was possible.

3. Respect for human rights was imperative for all peoples. His Government had included 35 articles on human rights in the Constitution and had abolished the death penalty. A national human rights section had been established within the Justice Department to work with non-governmental organizations (NGOs) to educate citizens on matters pertaining to human rights and a national institute of judiciary studies had been established to ensure that the laws were implemented with impartiality.

4. For the past 25 years, Angola had been experiencing an armed conflict due to the ambitions of a rebel group led by Jonas Savimbi. The resulting instability had given rise to systematic violations of human rights. The recent report of the panel of experts established pursuant to Security Council resolution 1237 (1999) (S/2000/203) had revealed facts about the aggression and conspiracies directed against Angola since its independence and the identity of those responsible. The report on the question of the use of mercenaries as a means of violating human rights (E/CN.4/2001/19) provided further evidence of the flagrant violation of human rights in his country.

5. Accordingly he requested the Commission to pressure those who persisted in encouraging and funding the armed rebellion in Angola to desist. They should recognize the universality of human rights and stop demanding that blood diamonds be considered worth more than human lives in Angola.

6. Finally, he expressed the hope that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would lead to a new world vision whereby racial discrimination would be combated and the moral and material damage suffered by the victims of such discrimination would be compensated.

STATEMENT BY THE PERMANENT SECRETARY IN THE MINISTRY OF FOREIGN AFFAIRS OF CYPRUS

7. Mr. ATTALIDES (Cyprus), having stated that his Government aligned itself with the statement made by the Minister for Foreign Affairs of Sweden on behalf of the European Union,

said that, over the past 50 years, considerable efforts had been made to strengthen the legal framework for the protection of human rights, and the United Nations had played a central role in those efforts. It was generally agreed throughout the world that it was no longer acceptable for Governments to apply the death penalty, that the use of torture was abhorrent, that female genital mutilation was a form of torture and that trafficking in human beings was a form of slavery. No part of the world was safe from such abominations, however, and it was to be hoped that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide an opportunity to confront the past and to shape a better future.

8. Turning to the issues of compliance and accountability, particularly as they related to his own country, he said that the violations committed by Turkey during its invasion of Cyprus in 1974 were still continuing. According to a 1999 report of the European Commission of Human Rights, Turkey was guilty of continuing violations in connection with the human rights of persons missing since the invasion of Cyprus and of inhuman treatment of their relatives, of preventing the return to their homes of the one third of the population who were refugees and of violation of the rights of property by denying access to and enjoyment of property. Furthermore, those violations concerned exclusively Greek Cypriots and were therefore discriminatory.

9. His Government was disappointed by the report of the Secretary-General (E/CN.4/2001/31), for it turned a blind eye to those violations. It should have stated that the Turkish Cypriot side, backed by Turkey, had refused to continue the negotiations process; that the Turkish army had advanced in the area it occupied; that additional limitations had been imposed on the capacity of the United Nations Peacekeeping Force in Cyprus (UNFICYP) to operate; that there had been threats to exclude UNFICYP from the Turkish-occupied area if Cyprus's application for European Union membership succeeded; and that there had been threats to kidnap Greek Cypriots. One such kidnapping had occurred.

10. The report's limited references to human rights issues concealed more than they revealed. Paragraphs 9 and 10 did not reveal that all progress had been stopped by the Turkish Cypriot side's refusal to implement the agreement on missing persons. The report was silent about the finding of racial discrimination against Greek Cypriots and Maronites, and, astonishingly, about the findings of the European Commission on Human Rights regarding Turkey's mass violations of the European Convention on Human Rights.

11. No mention was made of the Turkish Government's continuing refusal to implement the judgement of the European Court of Human Rights in Loizidou v. Turkey, which upheld the right of refugees to return to their homes. He believed that the Commission was entitled, under its resolution 1987/50, to such information.

12. The report gave a misleading picture regarding the ability of UNFICYP to encourage intercommunal activities, since intercommunal contacts were prevented by restrictions on freedom of movement imposed by the local administration. Those restrictions had recently been further tightened.

13. While it did refer to the good offices mission, the report was silent about the responsibility of Turkey and Mr. Denktash for ending the process initiated by the Secretary-General pursuant to Security Council resolution 1250 (1999). There was no mention either of the fact that Turkish Cypriots were currently a minority in the occupied part of Cyprus due to Turkey's policy of implanting settlers.

14. As noted by the Minister for Foreign Affairs of Sweden, the world must understand that reports of human rights violations were warning signals and must take action to prevent crises from escalating into armed conflicts.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/2001/3, 7, 27-30, 108-114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1; E/CN.4/S-5/3)

15. Ms. TOPALI (Office of the High Commissioner for Human Rights), speaking on behalf of the Special Rapporteur, introduced the update to the mission report on Israel's violations of human rights in the Palestinian Territories occupied since 1967 (E/CN.4/2001/30). The Special Rapporteur had sought to focus on areas where the situation created by the second intifada had given rise to especially grave violations, specifically with regard to the use of force and with regard to economic, social and cultural rights.

16. In the economic sector, families, communities and even the Palestinian Authority had exhausted their savings and reserves, the result had been a dramatic fall in the standard of living which would have long-lasting consequences.

17. The basic conclusion was that the time had come for the international community to take decisions and specific actions to create the conditions for a new peace process that would take human rights into account. Without that, no just and lasting peace was possible. Both sides would have to make painful compromises.

18. His recommendations were the same as those he had submitted in October 2000. The main recommendation concerned protection. Real protection could help lower the tension and thereby promote greater respect for human rights and greater security. With the good will of all involved, it might, perhaps, be possible to resume the peace process in a more constructive manner. The recent statement by the Deputy Minister for Foreign Affairs of Israel was encouraging, provided it was echoed in other appropriate forums.

19. Mr. DUGARD (Chairman of the Human Rights Inquiry Commission), introducing the report of the Human Rights Inquiry Commission established pursuant to Council resolution S-5/1 (E/CN.4/2000/121), said that the Inquiry Commission had been guided by two considerations: the need to promote the peaceful resolution of the conflict and the responsibility of pronouncing itself in an impartial manner.

20. The chapter entitled "Clarifying the context: illusion and reality" stressed the vastly different perceptions of the second intifada on the part of Israelis and Palestinians, both peoples saw themselves as the victims of terror. While the people of Israel had also suffered, the

Palestinians had suffered more in terms of loss of life, injuries and denial of the most basic human needs. Whereas, on one side, the suffering inflicted was the result of actions of individuals and loosely organized groups, on the other it had been orchestrated with military precision.

21. Concerning the Israeli argument that it was engaged in armed conflict with Palestinian security forces and was therefore exempt from the normal constraints of law-enforcement operations, the Commission had found that the conflict had not reached a level warranting abandonment of the policing rules applicable in violent demonstrations. Even if that assessment were incorrect, the Israeli Defence Force (IDF) was responsible for excessive use of force against civilians, particularly against juveniles.

22. The manner in which the destruction of homes and land had been carried out suggested that it was more a matter of collective punishment than of military necessity. Moreover, the targeting of Palestinian leaders for assassination was a violation of norms of human rights and humanitarian law.

23. The Commission reaffirmed the position of the international community that the establishment of settlements in the West Bank, (including East Jerusalem) and Gaza was in violation of article 49, sixth paragraph, of the Fourth Geneva Convention. Most of the violence had occurred near, or on the roads leading to, settlements. Without settlements, the number of deaths and injuries would have been far lower. Both sides were paying a high price for a programme that violated a cardinal principle of international law.

24 The Commission had therefore called for a cessation of such violations and for respect for human rights norms, for an end to the occupation of Palestinian territories and the dismantling of settlements. To that end, it recommended the establishment of an international presence in the region to monitor compliance with human rights norms and international humanitarian law. It found no justification for the refusal to establish such a presence in a territory that had once been under international mandate and that was entitled to international assistance in the achievement of full statehood. It further recommended that the High Contracting Parties to the Fourth Geneva Convention should reconvene with a view to ensuring that Israel complied with its obligations under that Convention.

25. It called upon the European Union to become more engaged in the search for peace in the region and it called on the Commission on Human Rights to facilitate dialogue by convening a consultation between leaders of civil society in Israel and Palestine. Such a consultation should be held in Geneva as soon as possible.

26. Mr. HOSSEIN (Member of the Human Rights Inquiry Commission) said that the closures, curfews, restrictions on movement and destruction of property had imposed severe socio-economic hardships on the Palestinian population in the occupied territories. To claim a security justification for measures which inflicted such pronounced harms placed a heavy burden of persuasion on those imposing the measures, namely the Government of Israel. The cumulative effect of the restrictions was understandably perceived by Palestinians as a siege. Workers were unable to get to work. Farm produce could not reach markets. Shops and offices were unable to open. Hundreds of Israeli Defence Force checkpoints impeded entry to and exit

from cities. Passage between the north and south of the Gaza Strip was likewise impeded. Such closures, as well as restriction on the movement of goods from Israel into the occupied territories, had a direct negative effect on all sectors of the economy. There was also restricted access to hospitals and schools.

27. The overall disruption in the economy had resulted in an average unemployment rate of 38 per cent, compared with 11 per cent in the first nine months of 2000. Loss of gross domestic product (GDP) was estimated at around US$ 900 million, and loss of labour income from employment in Israel at around US$ 250 million, making a total loss of over US$ 1 billion. There had also been significant losses to the public sector from lost revenues: in 1999, 63 per cent of all Palestinian Authority revenues had been in the form of transfer of revenues collected by Israel on behalf of the Authority. Such transferred revenues were estimated to be US$ 53 million per month. Those revenues had been withheld from the Authority since October 2000, eroding its revenue base and affecting its ability to pay its employees.

28. The measures of closure, curfew and severe restrictions on the movement of people and goods constituted violations of the Fourth Geneva Convention and of the human rights obligations binding upon Israel. They had had a negative impact on internationally recognized rights to work, to shelter, to education and to health. An overall assessment of the measures indicated that in most cases the burden of persuasion that they were justified by security considerations was not discharged; in fact, many of the measures were of a punitive character quite unrelated to security. In that connection, it might be relevant to draw attention to article 33 of the Fourth Geneva Convention which prohibited collective punishment.

29. Finally, he said that the Human Rights Inquiry Commission had received a letter dated 23 March 2001 from the Chairman of the Council of Arab Permanent Representatives in Geneva of Members of the League of Arab States in which the Council had expressed its reservation with regard to paragraph 129 of the Inquiry Commission's report (E/CN.4/2001/121). The Inquiry Commission believed that the concerns expressed would be substantially met if it were to clarify that its intention had been to draw attention to the suffering and the specially vulnerable situation of refugees in the occupied territories in the absence of effective international protection. It had not been its intention to express views on any matter not within its mandate, or to make any recommendation which would derogate from the relevant United Nations resolutions on the Palestinian refugees issue or to detract from the importance of the significant role of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in relation to them.

30. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing the report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), said that since her mission the situation on the ground had worsened. She had followed with deep dismay and growing concern the escalating violence. It was truly tragic that babies and young children on both sides had been killed and seriously wounded, the latest terrible examples being the shooting dead two days before of a 10-month-old Israeli baby girl, the previous day of an 11-year-old Palestinian boy, and that very day the killing and wounding of Israeli teenagers on their way to school. When in the name of humanity was it going to end, and who was going to have the moral courage to break the terrible cycle of violence? That was the fundamental question the Commission had to address.

31. She quoted what the Secretary-General of the United Nations had said on the subject the previous day in his statement to the Summit Meeting of the League of Arab States in Amman, Jordan, in which he had urged both sides to return to the path of peace. She added her own urgent plea to his.

32. The mission she had conducted had been undertaken at the urgent request of the Commission at its fifth special session because of the seriousness of the human rights situation in the occupied Palestinian territories. The visit to Israel had been scheduled at an earlier stage but postponed, and had focused on general cooperation on human rights issues, although the principal concern that had emerged was regarding the situation in the occupied Palestinian territories. The visits to Egypt and Jordan had given her a regional perspective on the situation. She had been conscious of the inherent difficulty of her mission, the complexity and political sensitivity of the issues to be addressed, and the importance of maintaining at all times a human rights perspective. Not everyone would agree her conclusions, but she had been guided primarily by the integrity of her mandate, and her report had been drafted in that spirit of conscience.

33. She had described the human rights situation in the occupied Palestinian territories as bleak, and had expressed concern at what she judged to be the excessive use of force by the Israeli authorities, particularly against youthful protestors. While acknowledging the insecurity felt by many ordinary Israelis, and noting a worrying increase in drive-by shootings and other violence on the Palestinian side, her report identified the steady expansion of settlements, the destruction without compensation of Palestinian property, and the devastating economic effect of the closures and travel restrictions as the major factors underpinning the situation. She had also expressed concern at the high incidence of hate speech on both sides which contributed directly to the current situation.

34. In the final section of her report, she had detailed a number of steps to improve the human rights situation, and she was convinced that her recommendations remained valid and that the need for their implementation was more urgent than ever. However troubling the current situation, it remained within the power of the main parties to take steps which would begin to reduce the tension and the hardship, and address urgently the current unacceptable level of violence.

35. The Israeli Defence Force should reduce its presence in the occupied Palestinian territories, and the closures, restrictions on movement and other economic measures which the Secretary-General had characterized as "collective punishment" should be eased immediately. The Palestinian leadership should immediately make concerted efforts to end all violence from its side. Those measures ought to clear the way for a return to negotiations, the aim of which should be a just and durable settlement in conformity with the fundamental standards of human rights. She hoped that the deliberations of the Commission might assist to bring that objective within reach.

36. Mr. RAMLAWI (Observer for Palestine) said that the fact that the Israeli occupation authorities had continuously perpetrated all kinds of crimes and flagrant human rights violations in occupied Palestinian territory for the past six months no longer needed any proof. The grave violations of human rights and international law constituted war crimes and crimes against humanity, and were inconsistent with the Charter of the United Nations.

37. At session after session, the Commission had adopted resolution after resolution condemning the Israeli occupation authorities, but successive Israeli Governments had not complied with the resolutions of the Commission, the Security Council or the General Assembly, and had been supported in so doing by the international protection they enjoyed from the United States of America. The international community had found itself incapable of dealing with the situation because of the support given by that super-Power and Israel had never faced any sanction from the international community.

38. Israel was the only State in the world to occupy others' land by force for more that 33 years; in violation of the principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States; and to violate persistently and systematically the provisions of the Fourth Geneva Convention. It had perpetrated genocide-like massacres in Deir Yassin in 1948 and Qibia, Semoua, Sabra and Shatila in 1982. It had also committed the Al-Aqsa massacre in 1990 and the Ibrahimi shrine massacre in 1994.

39. The Commission had rightly expressed its grave concern in its resolution 1985/4 that, until a just and equitable solution that guaranteed their rights was achieved, the Palestinian people would be exposed to appalling massacres. In the past six months, hundreds of Palestinians had been killed - 30 per cent of them children - and more than 20,000 had been wounded. Israel had imposed collective punishment and carried out a policy of political assassinations, constituting a crime of genocide against the Palestinian people.

40. Ms. ABOULNAGA (Observer for Egypt) said that peace and security in the Middle East region and in the world as a whole was under serious threat, as the deteriorating situation in the occupied territories and the violation of the human rights of the Palestinian people had exceeded all limits. There was a host of international documentation to confirm what Israel had been doing. The International Committee of the Red Cross (ICRC), which usually adopted a restrained style, had recently published a report clearly condemning Israel's violations of human rights, international humanitarian law and the Fourth Geneva Convention.

41. Israel had impeded the activities of the Human Rights Inquiry Commission in the occupied territories, and was targeting civilians, and particularly children, using every means available. Reports from objective bodies within the international community provided detailed eyewitness reports of Israel's extensive human rights violations. The situation represented a challenge to the Commission on Human Rights, which had heard major statements on matters that were of the highest priority. The Security Council which was responsible for the maintenance of international peace and security, had proved incapable of adopting a resolution on deployment of an international observer force in the Palestinian territories because of the use of the veto. For their part, the Swiss authorities should give consideration to resuming as soon as possible the diplomatic conference on the Fourth Geneva Convention. All the members of the Commission on Human Rights should shoulder their ethical responsibilities.

42. In that connection, her Government was not persuaded by the argument that there might be a negative impact on the Middle East peace process if the Commission were to discuss Israel's human rights practices. In fact, it was difficult to know what peace process was meant,

since the Israeli Prime Minister had said that he was under no obligation to respect what had been discussed and had no intention of resuming the negotiations. It was time to convey a clear message to Israel that the international community could not stand idly by as it continued to violate human rights. Because of Israel's practices, her Government had decided to withdraw its Ambassador from Tel Aviv. An entire generation of young Egyptians born since the 1970s, was rejecting normalization of relations with Israel because it was horrified at what was going on. The hope had been that by now that generation would have favoured the fostering of peace with Israel.

43. Finally, her Government could not accept the credibility of the Special Rapporteur on the question of torture, or the reasons he gave for not requesting permission to visit Israel.

44. Mr. LEVY (Observer for Israel) said he wondered how divorced from reality the deliberations in the Commission could be. In the previous 24 hours, 2 car bombs and 2 suicide bombers had wrought havoc in the streets of Jerusalem and elsewhere in Israel, killing 2 young people and wounding 40, most of them children on their way to school. According to the reports quoted by all but one of the previous speakers, Israel alone was to blame. Was there no concern for Israeli victims?

45. The Government of Israel had informed the Human Rights Inquiry Commission that it would not cooperate with an inquiry based on a one-sided resolution. Moreover, the members of the Commission on Human Rights would recall that one of the members of the Inquiry Commission, Professor Falk, had published his views on the violence in the Middle East in the winter 2000 edition of Middle East Report at the time that he was being considered for membership of the Inquiry Commission, thereby casting further doubt on its eventual findings.

46. The Special Rapporteur's report was one-sided and prejudiced. It lacked integrity, since it made no mention of the Palestinian violence that had led to the killing of 70 Israelis, both civilians and soldiers, merely stating that the role and responsibility on the Palestinian side remained unclear. Such comments lent support to the Palestinian attempt to relegate the problems to the United Nations rather than to settle them, as agreed under the Oslo Accords, at the negotiating table. The report was a highly political one, a compilation based on second- and third-hand material, largely drawn from the media. It might be asked, therefore, what significant insight the Special Rapporteur had contributed.

47. The very mandate of the Special Rapporteur was flawed, and differed from that of any other special rapporteur. Its title, indeed, dictated its conclusions in advance. It was open-ended and not subject to review like other mandates. The result was the unequal treatment of Israel by the Commission and other United Nations bodies. He recalled that the mandate had been adopted in 1993, when Israel had controlled the West Bank and the Gaza Strip. The situation had, however, changed significantly with the signing of the Oslo Accords and the gradual transfer of control to the Palestinians. Other agreements had followed, under which Israel had turned over areas known as "A" zones, comprising over 40 per cent of the territories and in which most Palestinians lived, to full Palestinian control.

48. Since 1998, the Palestinian Authority had exercised control over the lives of almost 98 per cent of the Palestinians. The gradual transfer of control of additional areas was to have been negotiated and, as was well known, far-reaching proposals had been made at Camp David and Taba. Sadly, there had been no takers on the Palestinian side, no one ready for a compromise.

49. The former Special Rapporteur (between 1996 and 1998) had, on several occasions, recorded his view that the mandate should be changed. In that connection he drew attention to documents E/CN.4/1996/18, paragraph 40, E/CN.4/1997/16, paragraph 37, and E/CN.4/1998/17, paragraphs 72-73, in which the Special Rapporteur had stated his consistent view that the mandate should be reviewed.

50. If the Special Rapporteur were to report fairly on the current situation, he would begin by examining the role of the Palestinian Authority. Even though constraints had been placed on it as a result of the rioting, it still controlled over 40 per cent of the territory and an overwhelming majority of the population should be held largely accountable for what was happening. As it was, the report was full of erroneous assumptions.

51. With regard to the accusation made against Israel of excessive use of force, the reality was that Israeli civilians and armed forces had come under violent attack by people not wearing uniforms or other distinguishing insignia, often from within crowded civilian areas or within groups of unarmed participants. The perpetrators of such attacks acted in violation of the accepted rules relating to the conduct of hostilities. They could not divest themselves of combatant status at will. On the contrary, Israeli troops had been restrained, acting only in self-defence in the face of some 3,500 attacks involving live fire since the violence began. Those perpetrating the attacks were not civilians and could not claim immunity from an Israeli response. Israeli forces attempted to control violent assemblies by the use of tear gas or rubber bullets. Where live fire was involved, such graduated non-lethal methods of containment were ineffective.

52. Palestinian attacks had been indiscriminate and designed to create terror. Their perpetrators had not operated within any framework of law nor had they shown any regard for the principles of conduct that the Palestine Liberation Organization (PLO) was citing in its allegations against Israel. There was also no sign of the Tanzim rules of engagement.

53. As for economic hardship and closures, the policy of allowing increasing numbers of Palestinians - latterly exceeding 120,000 - to work in Israel had been changed because Palestinian workers were participating in terrorist activities. A bus driver, for example, had deliberately run over and killed eight young Israelis. An end to the violence would be achieved not by a commission of inquiry but by the Palestinian Authority unequivocally calling for it to halt.

54. Mr. AL-HUSSAMI (Syrian Arab Republic) said that Israel had not complied with a single United Nations resolution, even those adopted by the Security Council in the absence of a veto by the United States. Such behaviour showed contempt for the Charter of the United Nations and was unacceptable. He recalled that the Syrian Golan comprised 1,000 square metres and was one of the richest and best-watered territories in the region. It had

previously contained 250 villages with 160,000 inhabitants. There remained only five villages with 22,000 Syrian inhabitants, because Israel had isolated the villages and expelled the population. Documents A/55/453 and A/55/373 and Add.1 provided further details; and in that context he wondered why they had not been listed under agenda item 8. They made it clear that human rights were under constant attack with the occupation and the imposition of Israeli authority, which had had disastrous results. The inhabitants suffered unfair competition from settlers; they had difficulty in finding employment, acquiring seeds and water, or exporting their agricultural products; and their taxes were high. The situation was exacerbated by the expansion of Israeli settlements and the decision to impose the Hebrew language and the Israeli view of history in textbooks.

55. The health situation and living conditions were appalling. Facilities had been destroyed and the people were oppressed. Children under 18 had been imprisoned for demonstrating against the occupation. There were 17 Syrians in Israeli prisons, some since 1985. Israel must acknowledge the true behaviour of its settlers and security forces in the occupied territories, including the genocide of the Palestinian people and the kidnapping of children. It must stop distorting language to belittle peace and security. The United States and other countries should withdraw their support for Israel and respect the principles of human rights, the Charter of the United Nations and international law. They should provide proper protection for the Palestinians and the Syrian Arab Golan and impose sanctions on Israel to force it to implement United Nations resolutions and withdraw unconditionally from Syria and Lebanon.

56. Mr. MADI (Observer for Jordan) said that his country still sought to bring about a lasting peace. The two sides should return to the negotiating table on the basis of Security Council resolutions 242 and 338, the principle of land for peace and the withdrawal by Israel from all the territories occupied since June 1967.

57. Israel bore the responsibility for the current bloodshed and must comply with the various international resolutions and the Fourth Geneva Convention. It must halt its inhuman practices, such as killing, torture, detention, the use of excessive force, the establishment of settlements, the confiscation of land, the destruction of houses, the uprooting of fruit trees and the imposition of Judaization, particularly in the occupied city of Jerusalem, in an attempt to change its demography. Communal punishment and the sealing off of the occupied territories were also to be deployed. Those ousted from their homeland should be recompensed, as should victims of violence by Israeli forces or settlers.

58. His delegation welcomed the reports by the Secretary-General (E/CN.4/2001/27), the Special Rapporteur (E/CN.4/2001/30) and the United Nations High Commissioner for Human Rights (E/CN.4/2001/114). The High Commissioner's recommendations should be implemented, particularly those relating to the removal of settlements, the protection of economic rights and respect for all holy sites.

59. The question of Palestine would remain an international responsibility until a lasting solution was found, guaranteeing self-determination for the Palestinians, with their own State on their national soil and their own capital, the Holy City of Jerusalem. That end could be achieved only through the resumption of peace negotiations at the point at which they had been interrupted.

60. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the situation in the occupied Palestinian territories had deteriorated markedly over the past 12 months. Confrontations between Israelis and Palestinians had had dramatic implications for human rights and international humanitarian law, leading the Commission to hold a special session on the issue.

61. The Union had repeatedly called on the parties to put an end to the violence and meet in a constructive spirit to resume their negotiations, which alone could secure a sustainable solution. It hoped that the Prime Minister of Israel and the Chairman of the Palestinian Authority would maintain the momentum of the peace process. The progress made should form the basis for future talks on the permanent status of the territories. The basis of negotiations must be Security Council resolutions 242 and 338, together with other relevant United Nations resolutions. The Union reiterated the inadmissibility of the acquisition of territory by war, the right for every State in the area to live in security and the principle of land for peace. It strongly condemned all acts of terrorism and violence. The Union was actively involved in the work of the International Fact-Finding Committee established following the Sharm al-Sheikh Summit in October 2000, which could contribute to restoring confidence and help both parties to restart their dialogue.

62. The Union called on Israel and the Palestinian Authority to live up to their commitment to respect human rights and fundamental freedoms which were universal and constituted the foundation for all sustainable and peaceful democratic systems. Both parties had legitimate security concerns, but they must be addressed with respect for human rights and within the rule of law. The Union reaffirmed its position that the Fourth Geneva Convention was fully applicable to the Palestinian occupied territories including East Jerusalem, and constituted binding international humanitarian law.

63. The Union welcomed the fact that the United Nations High Commissioner for Human Rights had visited the region. It shared the concerns expressed in her balanced report, which it had duly taken into account. It also welcomed the report of the Special Rapporteur, although it continued to believe that his mandate should be brought into line with the other special mechanisms created by the Commission, notably to make it subject to regular renewal. The failure of the Israeli Government to cooperate with the Special Rapporteur and the other relevant thematic rapporteurs was regrettable.

64. The Union condemned the disproportionate recourse to force and urged Israel to ensure that its security forces observed international standards regarding the use of force. It deplored the practice of extrajudicial killings of certain Palestinians by the Israeli security forces. Such killings were not only illegal but also damaging for the relationship between the parties. The Israeli authorities should immediately halt the practice.

65. Closures of and within the Palestinian territories had had a detrimental effect on the lives of many Palestinians in Gaza and the West Bank, including East Jerusalem, disrupting basic public services and infringing their right to freedom of movement and access to holy places. In some instances the closure had led to the loss of life. The Israeli Government should put an immediate end to the practice. Not only were collective punishments prohibited under

international law, but the closures contributed to the unrest and violence prevailing in the area. They had also seriously hampered humanitarian aid workers providing assistance to the Palestinian people. It was the duty of the Israeli Government to safeguard the food and medical supplies of the population.

66. The economic, social and administrative effects of the closures had also been serious, undermining an already fragile economy. All economic indicators had sharply decreased, reducing the Palestinian economy by half. Unemployment had risen and a third of the Palestinian population was currently living below the poverty line. The situation jeopardized the international community's efforts to guarantee the viability of the Palestinian Authority and the future Palestinian State. The Authority would shortly not be able to pay its salaries, which might cause the collapse of key Palestinian institutions and lead to chaos and anarchy. Israel should immediately cease withholding revenue payments due to the Authority.

67. The Union was deeply troubled by the negative impact of the confrontations on children, who had suffered death, injuries and long-term psychological damage, in addition to the general consequences of the closures. All parties should ensure that children had access to health care and education. The Union was also troubled by what appeared to be a discrepancy in Israeli case law, and by incidents of the discriminatory application of laws. All democratic legal systems should adhere to the fundamental principle of the equality of all before the law. The Israeli Government should repeal all discriminatory laws and ensure the equal and non-discriminatory enforcement of the law by the Israeli administration and courts.

68. The Union continued strongly to oppose Israeli settlement activities in the occupied territories, including the construction of new settlements, the expansion of existing ones, the expropriation of land, the biased administration of water resources, the construction of roads and house demolitions, all of which violated human rights and international humanitarian law. The Israeli security forces should ensure the protection of the population and should prosecute acts of violence committed by Israeli settlers.

69. The release of persons kept under so-called administrative detention the previous year had been welcome. However, the large number of people, including children, who had been detained over the past months, and the continued holding of some detainees without charge, gave cause for concern. The Union condemned the continued imprisonment of several Lebanese citizens who had been arrested in the then occupied area and transferred to Israel. That was a violation of the Fourth Geneva Convention. The International Committee of the Red Cross (ICRC) should be allowed to visit the two Lebanese citizens still being held without charge.

70. The human rights situation under the Palestinian Authority continued to be a matter of concern. There had been reports of torture and deaths in custody, impunity, detention without trial, the arbitrary arrest of political prisoners and the misuse of the State security courts. The Authority should combat such activities, bring those responsible to justice and ensure respect for the law. In that context, he drew attention to the training programme run by the Union since [illegible] to help the Authority develop its expertise in preventing and countering terrorist acts in a[illegible]ce with international law. The Union remained particularly concerned about executions following death sentences pronounced at summary trials with apparent disrespect for the human rights of the accused. It called on the Authority to reinstate a moratorium on the death penalty.

71. The Union was troubled by the Authority's practice of imprisoning without trial persons exercising their rights to freedom of expression and assembly, which were the foundation of any democratic political system. It urged the Authority to release all such detainees. Other important features of a viable democratic political system were good governance and free and fair elections. Institutions should be transparent and accountable and there should be an inclusive and consultative political process. The media also had a role to play in ensuring the accurate reporting of local events. The Union continued to be firmly committed to assisting the Palestinian Authority in strengthening public institutions in the service of democracy.

72. The Union also wanted to draw attention to the need to respect and safeguard the human rights of those living in the Syrian Golan Heights and expressed its support for a negotiated settlement between Israel and the Syrian Arab Republic.

73. Mr. FERNÁNDEZ PALACIOS (Cuba) said that there would be no peace and stability in the Middle East until there was an independent Palestinian State established on genuinely fair foundations, and with East Jerusalem as its capital. There would be no peace either until the United Nations assumed its direct and irreplaceable responsibility in accordance with the Charter and the will of the international community, and until hegemonisms and narrow domestic political objectives ceased to determine the course of the negotiations. There would also be no peace if Israel did not change its policy of colonial occupation and massive and systematic violations of the human rights of the Palestinian people and the people of the occupied Arab territories.

74. The situation of Palestine and the occupied Arab territories had become explosive since September 2000, and the human rights situation there was bleak. The civilian population felt itself to be under seige by a stronger Power which was willing to use all its force against children and young people throwing stones. The Israeli armed forces had not hesitated to smash the just rebellion of the Palestinian people with rubber bullets, real bullets and even rockets fired from armoured vehicles and helicopters. Such equipment had been developed and perfected thanks to the military and technological support of the United States of America, Israel's unconditional ally which acted as both judge and jury in the conflict. Indeed, it had, the previous day, used its undemocratic veto to make action within the Security Council impossible, thus guaranteeing Israel's impunity.

75. According to conservative United Nations figures, in the past six months alone, more than 310 Palestinians had been killed, including 84 children. Thousands more had been wounded, including more than 3,000 children. Moreover, the demolition of Palestinian homes had left more than 1,000 children without shelter, food or access to health care. Israeli forces had also destroyed more than 30 schools and forced the closure of another 40, and many thousands of schoolchildren in the occupied Arab territories were suffering from resultant post-traumatic disorders.

76. Despite suspicious delays in publication and a certain record of selectivity and manipulation, the Commission had amassed documentary evidence to corroborate the massive, systematic and flagrant violations of human rights by the Israeli authorities in the occupied

territories. The documents before the Commission testified to the continued refusal of the Israeli authorities to comply with United Nations resolutions, its international agreements and humanitarian law.

77. Aggressive settlement policies and other arbitrary measures, including the enforcement of closures, amounted to a "collective punishment" for the inhabitants of the occupied territories.

78. As in the past, his delegation would continue to support all resolutions submitted under the agenda item and endorsed by the Palestinian representatives.

79. Ms. DIALLO (Senegal) said that the item under discussion was one of the most preoccupying; the events of recent months lent it a special emotional charge. All present had an individual and collective responsibility to help find a lasting and just solution to the Palestinian question, which was at the heart of the conflict in the Middle East. In that connection, her delegation wished to pay tribute to the courage demonstrated by the High Commissioner in her visit to the area.

80. Since the Commission's previous session, serious, massive and systematic human rights violations in Palestine and the occupied territories had reached unprecedented levels as the international community looked on helplessly. Of particular concern was the excessive use of military force by the Israeli authorities, in violation of international humanitarian law, and the heavy civilian losses among the Palestinian population.

81. She was concerned about the thousands of children who were victims of oppression, terrorized by the occupying forces and deprived of their right to education. The complete closure of the occupied territories had plunged the Palestinian people into extreme poverty. Furthermore, non-military objectives - including housing and crops - had been destroyed, and revenue owed to the Palestinian Authority had been retained by the Israelis.

82. Her delegation recognized the right of the Israeli people to live in peace within internationally recognized borders but the security, prosperity and well-being of one group must not depend on the oppression and misery of another. A sustainable and just settlement solution in the interests of all the peoples of the region would depend on the cessation of settlement policies, an end to "collective punishments", the lifting of closures in the occupied territories and the creation of a free and independent Palestinian State. Violence only engendered more violence.

83. Mr. MOOSE (United States of America) said that the situation in the Middle East was a matter of the highest priority for his country's new Government. Recent developments in the region had created an extremely perilous situation and prospects for peace had dimmed dramatically under a seemingly unending cycle of violence. The people of his country had been profoundly shaken by the appalling consequences for Israelis and Palestinians alike. There was a serious risk that peace negotiations could become another casualty of the violence, destroying a decade of careful and patient efforts to build the confidence required for a just, lasting and comprehensive solution to the problem.

84. A report produced by his Government on the situation in the occupied territories provided an objective and balanced assessment of the human rights situation there. It was regrettable that the same could rarely be said of the deliberations of the Commission or its annual resolutions. His delegation did not dispute the right of the Commission to address legitimate concerns regarding the situation in any country. However, of all the countries in the world, only Israel was systematically assigned a separate agenda item. Selective treatment of human rights threatened the integrity not only of the Commission but of human rights themselves.

85. The continuing cycle of violence represented the greatest obstacle to a comprehensive and lasting peace in the Middle East, which could be achieved only through the efforts of the parties directly involved. The Commission must do nothing that might make their already daunting task more difficult.

86. Mr. ALLAFI (Libyan Arab Jamahiriya) said that human rights violations by Israel in the occupied Arab territories had brought about a humanitarian tragedy of the worst kind. A whole people had been driven from its land and scattered throughout the world, and those remaining under occupation were subjected to the worst forms of terrorism and genocide. Delegations who claimed that such crimes amounted merely to "acts of violence" were not supported by the facts. The Palestinians faced a long and vicious war of genocide which was designed to eliminate all that was Palestinian. The conspiracy to create a racist, Jewish State had been planned many years previously by the Zionist movement. His delegation wondered how the most advanced military technology - including aircraft, tanks and missiles - could be used against defenceless people who had merely stones as weapons.

87. The international community had condemned the occupation and confirmed the right to self-determination of the Palestinian people, yet it had not managed to provide them with the international protection they needed. That called the effectiveness of the United Nations into question. Every day, the Israeli Government flouted the Organization's purposes and principles, scorned the will of the international community and derided its resolutions.

88. Israel's actions would have been impossible without the unlimited material and political support of the United States. The previous night in the Security Council, the United States had challenged international consensus by vetoing a draft resolution which had met with the agreement of all the other members. In so doing, it had blatantly aligned itself with the aggressor. Given that the instrument in question would have guaranteed a minimum level of protection to the Palestinians, such a state of affairs called into question the credibility of an Organization which purported to represent the human conscience. How could the United Nations remain silent when the killing and torture of Palestinians occurred daily? Even their olive trees - the very symbol of peace - had been uprooted by Israeli forces. A more effective mechanism was needed if human rights in the occupied Arab territories were to be truly promoted.

89. His delegation welcomed the report of the High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114) which detailed Israeli violations, including the crime of genocide, and shed light on one of the worst humanitarian disasters of modern times. Those supporting the occupation should reconsider or

they would bear historic responsibility for the tragedy of the Palestinian people. The Libyan people, for their part, would continue to support the Palestinians until their land was liberated and they had achieved their legitimate goals.

90. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the observer for Israel was merely attempting to defend the terrible mistakes committed by the State he was forced to represent. In speaking of the events of 48 hours which the Israelis had suffered, the observer had seemingly forgotten the 48 years of suffering by the Palestinians. In requesting the Commission to be sympathetic to Israel, a country which occupied other territories by force, committed serious violations of international law and perpetrated crimes on a daily basis, the observer for Israel expected the Commission to extend sympathy both to the victims and to their butcher.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

91. Mr. GAZIOGLU (Observer for Turkey) said that he wished to respond to the flagrant misrepresentations and unfounded allegations put forward by the representative of the Greek Cypriot administration. Turkey's presence in Cyprus was not a matter of "occupation" or "invasion", but of a legal obligation under international agreements to keep the peace, pending a resolution of the question.

92. As to the question of missing persons, it was no secret that the policy of the Greek Cypriot administration had been one of total insincerity aimed at preventing the Committee on Missing Persons in Cyprus from fulfilling its mandate.

93. With regard to the allegation concerning the demographic alteration of the island, it had been the Greek Cypriots who had introduced thousands of Greek settlers and who had attempted to cleanse Cyprus of its ethnic Turkish population between 1963 and 1974.

94. The comments of the representative of the Greek Cypriot administration concerning the revised report of the Secretary-General (E/CN.4/2001/31*) were most surprising, especially given that it had somehow managed to convince an unusually submissive Secretariat to make substantive changes to a report after it had been issued and then to justify them on technical grounds.

95. Ms. WILLIAMS (Observer for Cyprus) said that the very fact that she had been given the floor to speak on behalf of Cyprus was a sufficient response to the untenable allegations made by the observer for Turkey, which would be fully refuted under the relevant agenda item. The statement made by the Permanent Secretary in the Ministry of Foreign Affairs of Cyprus was based on well-documented material, including relevant Security Council resolutions and decisions of the most prestigious human rights mechanisms in the world, such as the European Court of Human Rights.

96. Mr. GAZIOGLU (Observer for Turkey) said that the issue was being falsely presented as a violation of the rights of Greek Cypriots. The question of Cyprus must be resolved by the two parties within the framework of an overall settlement. The Greek Cypriot side continued to exploit the question in an attempt to conceal its own responsibility for perpetuating it. It was precisely the refusal by Greek Cypriots to recognize the status of Turkish Cypriots and share power with them that had long stood in the way of a negotiated settlement. There were two distinct populations on the island, each with their own language, culture and religion, hence the existence of two separate sovereign States.

97. Ms. WILLIAMS (Observer for Cyprus) said that such allegations might have been more credible if the Turkish observer had been able to cite even one case in which Turkish actions had been vindicated by an international human rights body. The international community knew what conclusions to draw from the Government of Turkey's well-known aversion to independent tribunals.

The meeting rose at 6.10 p.m.